



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2206668
Applicant Name: Terry Beals for Central Puget Sound Regional Transit Authority ("Sound Transit")
Address of Proposal: 7301 M L King Jr. Way South

SUMMARY OF PROPOSED ACTION

Master Use Permit for future demolition of 13,376 square feet of buildings. Parcels to include addresses: 7301 – 7353 M L King Way South. The project also includes associated future land clearing and grading. Environmental Impact Statement (EIS) prepared by Sound Transit.

The following approval is required:

SEPA - Environmental Determination for conditioning only - Chapter 25.05, Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction*

BACKGROUND DATA

Site and Vicinity Description

The subject site is located at the southwest corner of South Othello Street and Martin Luther King Junior Way South in the Rainier Valley neighborhood of South Seattle. The existing site includes the consolidation of six (6) parcels of land comprising a land area of 75,041 square feet. The site extends south approximately 570 feet from the South Othello Street and Martin Luther King Junior Way South intersection with a mean depth of 138 feet.

* Sound Transit issued an Environmental Impact Statement in November of 1999. Conditioning of this application is pursuant to the authority granted by this prior document.

The 75,041 square feet property is currently developed with four (4) commercial buildings, one (1) institutional structure, and two (2) Seattle Housing Authority (SHA) owned vacated residential structures and one accessory shed structure. The nonresidential portion of the development site is relatively flat with buildings oriented towards the Martin Luther King Junior Way South right-of-way. Visually this area is pretty active with signage associated with the businesses on site and vehicle activity. The southern most extreme end of the development site is where the vacated residential structures are located. The two residential structures are elevated approximately four feet above the sidewalk. Two street trees are located directly in front of each structure to provide a buffer to vehicle traffic within the Martin Luther King Junior Way South right-of-way. No structures shall remain after demolition of eight existing structures at the development site.

The site has three (3) zoning designations associated with the parcel area which is commonly referred to as a split zone lot in the Land Use Code. The northern portion of the development site is zoned Neighborhood Commercial 3 with a sixty-five foot height limit (NC3-65), with a small band of Multifamily Lowrise 4, Residential-Commercial (L3 RC) near the west edge of the property. The existing uses associated with this area are restaurant, retail, and religious facility. The southern portion is zoned Neighborhood Commercial 2, Residential with a forty foot height limit (NC2/R-40). The existing uses associated with this area are towing service, repair garage and single family residential.

Proposal

The “Othello Demolition” proposal is part of Sound Transits’ Central Link Light Rail C730/C740 segment improvements and SHA’s New Holly Project. The subject site contains six parcels of land with eight existing buildings slated for demolition to accommodate the Martin Luther King Junior Way South right-of-way realignment. The remainder of the development site not affected by the widening of right-of-way will be cleared of all buildings only with minor grading to remove foundations and fill basements. Utilities will be capped, meters removed for gas and water, electrical power and the sewer capped at the property line until future development commences. It is not anticipated that soil or groundwater contamination will be encountered during the demolition and grading activity. Should contamination be encountered the applicant will submit a Cleanup Action Plan for soil remediation meeting all jurisdictional standards. The future use of the site will create space for the commercial component of SHA’s New Holly redevelopment project. The demolition of eight structures requires review under the State Environmental Policy Act as administered by SMC Chapter 25.05. Sound Transit acting as SEPA lead agency, issued an Environmental Impact Statement in November of 1999.

Public Comment

The public comment period ended April 23, 2003. No written comments were received.

ANALYSIS – SEPA

Central Puget Sound Regional Transit Authority (Sound Transit) as lead agency has disclosed the environmental impacts of the proposed demolition in a Final Environmental Impact Statement (FEIS) issued in November of 1999. An addendum to the Final EIS for the Initial

Segment was issued on November 16, 2001, which generally evaluated a reduced rail alignment (from 21 miles to an initial 14 mile segment). The Director hereby incorporates by reference the FEIS and the Addendum to the FEIS. The addendum concludes that there has been no substantial change in impacts from those identified in the foregoing EIS materials. The information in the EIS, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Therefore, all review required under the State Environmental Policy Act has been completed for this application.

The Department of Design, Construction and Land Use is reviewing the environmental impacts of the proposal in order to impose further conditions if necessary. This proposal is reviewed under substantive SEPA authority. Disclosure of the potential impacts from this proposal was made in the environmental documents listed above. This information, supplemental information provided by the applicant and the experience of this agency with review of similar proposal form the basis of this analysis and conditioning.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship among codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D), mitigation can be considered. The project is anticipated to have some short-term impacts; thus, a more detailed discussion of some of the impacts is appropriate.

Short Term Impacts

The following temporary or demolition-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates, such as asbestos, during demolition; increased noise and vibration from demolition operations and equipment; increased traffic and parking demand from demolition personnel; tracking of mud onto adjacent streets by demolition vehicles; and vehicle/pedestrian conflicts adjacent to the site. These impacts are not considered significant because they are temporary and/or minor in scope. Although not significant, some of the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation); and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of right-of-way during demolition).

Air Quality

Demolition will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC Chapter 15.22) requires watering the site, as necessary, to reduce dust. In addition, the

Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. In addition to spraying water or chemical suppressants, this may require activities that produce air-borne materials or other pollutant elements to be contained within a temporary enclosure. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

PSCAA, Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. However, no permit process exists that ensures that PSCAA has been notified of the proposed building demolition and that asbestos and lighting features has been removed from the site. A condition shall be added requiring the applicant to submit to DPD a copy of the PSCAA demolition permit prior to issuance of construction permit. This condition is imposed pursuant to SEPA authority to mitigate air quality, construction and environmental health impacts, SMC 25.05.675 A, B, and F.

Streets and Sidewalk

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Any temporary closures of the sidewalk and/or traffic lane(s) would be controlled with a street use permit through the Seattle Department of Transportation.

Noise

Some short-term noise from the construction equipment and demolition of the structures is anticipated. The applicant proposes to implement a Construction Noise Mitigation Plan. This plan requires that Sound Transit and its contractor comply with the City's noise control ordinance (SMC Chapter 25.08). In addition, the plan requires that Sound Transit work with its contractor, in advance of construction, to plan the construction work in a manner that minimizes potential noise impacts on the neighbors. Sound Transit has a community outreach program to keep the adjacent communities informed throughout construction. The outreach will include updates at community organization meetings, written construction updates, regular door-to-door visits with residents, and other similar efforts. A 24-hour construction hotline will be established, and a record will be kept of all noise complaints. When a complaint is received, Sound Transit will use every reasonable effort to resolve it to the satisfaction of the complainant. The project should be conditioned to require that Sound Transit submit to DPD on a monthly basis a list of the noise complaints received during construction and Sound Transit's response to each complaint. DPD will review the list to verify that Sound Transit is complying with the noise mitigation plan and that reasonable measures are taken to mitigate demolition and construction noise.

The other impacts not noted here as mitigated by codes or conditions (e.g., increased traffic and parking demand from demolition personnel) are not sufficiently adverse to warrant further mitigation by conditioning.

SEPA – CONDITIONS

Prior to the Issuance of Construction and/or Demolition Permits

1. The owner(s) and/or responsible party(s) shall submit a copy to DPD of any required PSCAA Demolition Permit(s).

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location visible and accessible to the public and to construction personnel from the street right-of-way. Because two streets abut the area of demolition, conditions shall be posted along both South Othello Street and Martin Luther King Junior Way South.

The conditions shall be printed legibly on placards available from DPD, shall be laminated with clear plastic or other weatherproofing material, and shall remain in place for the duration of the construction.

2. The applicant shall comply with the Construction Noise Mitigation Plan submitted to DPD, a copy of which is in the Master Use Permit file. The applicant shall submit to DPD on a monthly basis a list of the noise complaints received during construction of the improvements and Sound Transit's response to each complaint. The applicant shall mail the list to the attention of the undersigned DPD planner. DPD will review the list to verify that Sound Transit is complying with the noise mitigation plan and that reasonable measures are taken to mitigate demolition and construction noise.

Signature: (signature on file) Date: November 24, 2003
Bradley Wilburn, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services